

**WEDNESDAY, APRIL 22, 1981**  
**THIRTY-SEVENTH LEGISLATIVE DAY**

The House met at 1:30 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Lois DeBerry of Shelby County.

Representative DeBerry led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 92

Representatives present were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

The Speaker announced that Representative Kelley was excused because of illness.

The Speaker announced that Representative Frensley was excused because of illness.

The Speaker announced that Representatives Bragg, Duer, Smith, Baker and Bell (Knox) were excused to attend the White House Conference on the President's Economic Package.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

114—Relative to commending Clover Bottom Developmental Center and staff;

115—Relative to congratulating astronauts and staff, Space Shuttle Columbia; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

287—To amend Section 2-5-101, Code;

409—To amend Section 40-4110, Code;

689—To amend Election Code;

1046—To amend Title 49, Chapter 1, Code; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

244—To make certain provisions, Unicoi County courts;

1103—To establish Nickajack Port Authority; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 308, 372, 425, 601, 641, 646, 745 and 1229; and Senate Joint Resolutions Nos. 41, 50, 53, 54, 91, 93, 95, 97, 98, 101, 102, 103, 104, 105 and 106; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**ENROLLED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 138, 244, 428, 512, 555, 604, 632, 883, 987, 1103, 1172, 1249, 1264 and 1266; and House Resolutions Nos. 38 and 39; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 138, 244, 428, 512, 555, 604, 632, 883, 987, 1103, 1172, 1249, 1264 and 1266; House Resolutions Nos. 38 and 39; Senate Bills Nos. 308, 372, 425, 601, 641, 646, 745 and 1229; and Senate Joint Resolutions Nos. 41, 50, 53, 54, 91, 93, 95, 97, 98, 101, 102, 103, 104, 105 and 106.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.

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243—To enact Teachers' Sick Leave Bank Act.

The Senate reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 2, withdrew Senate Amendment No. 2, adopted Senate Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.

1035—To make certain provisions, diesel fuel; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.

110—Relative to investigating SCA Services, Incorporated; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 32, 217, 297, 357, 487, 566, 587, 600, 647, 659, 772, 985, 1229, 1262, 1263, 1268 and 1271; also, House Joint Resolutions Nos. 42, 44, 55, 72, 78, 93, 144, 145, 146, 147, 148, 149, 150, 151, 155, 156, 159, 162, 164, 165, 166, 167 and 176; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 32, 217, 297, 357, 487, 566, 587, 600, 647, 659, 772, 985, 1229, 1262, 1263, 1268 and 1271; and House Joint Resolutions Nos. 42, 44, 55, 72, 78, 93, 144, 145, 146, 147, 148, 149, 150, 151, 155, 156, 159, 162, 164, 165, 166, 167 and 176; for his action.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolution No. 123 with

his approval.

JULIA GIBBONS,  
*Counsel to the Governor.*

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 719 and 835, with his approval.

JULIA GIBBONS,  
*Counsel to the Governor.*

**CALENDAR**

Mr. Lashlee moved that House Bill No. 9 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Henry (Roane) moved that House Bill No. 687 be placed on the Calendar for Wednesday, May 6, 1981, which motion prevailed.

Mr. Miller moved that House Bill No. 1113 be placed on the Calendar for Wednesday, May 6, 1981 which motion prevailed.

House Bill No. 935—To amend Business Tax Act.

Mr. Frensley moved that House Bill No. 935 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	75
Noes .....	9
Present and not voting .....	1

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Jared, Johnson, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—75.

Representatives voting no were: Carter, Duncan, Huskey, McAfee, Severance, Shirley, Shockley, Stafford and Wood—9.

Representative present and not voting was: Moore—1.

A motion to reconsider was tabled.

House Bill No. 21—To amend Section 49-603, Code.

Mr. Bivens moved that House Bill No. 21 be passed on third and final consideration.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 21 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

Except for the creation of districts which consolidate or merge existing special school districts, no special school district or city school district shall be created, expanded, authorized, activated, or reactivated between the effective date of this act and July 1, 1982; it being the intent of the general assembly to impose a moratorium on additional school districts, except consolidations, until a comprehensive study of special school district and city districts can be completed.

Mr. Spence moved that Amendment No. 1 be tabled, which motion failed.

Mr. Wallace moved the previous question on the amendment, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Thereupon, House Bill No. 21, as amended, passed its third and final consideration by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

House Bill No. 372—To disqualify convicted felons from voting.

Mr. Murphy (Shelby) moved that House Bill No. 372 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

House Bill No. 1174—To amend Section 40-4107, Code.

Mr. Kent moved that House Bill No. 1174 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 1174 by adding the following language at the end of the amendatory language of Section 1:

; provided, further, however, any liens which are filed against such vehicle shall be satisfied by the law enforcement agency retaining such vehicle.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

### AMENDMENT NO. 2

Amend House Bill No. 1174 by adding the following language at the end of the amendatory language of Section 1:

Subject to the provision of Section 40-4110, the proceeds which inure to the local governing body under the provisions of this chapter shall be used for the enforcement of this chapter subject to the approval and allocation of such local governing body.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1174, as amended, passed its third and final consideration by the following vote:

Ayes .....	88
Noes .....	0
Present and not voting .....	3

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Stafford, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—88.

Representatives present and not voting were: Brewer, Spence and Starnes—3.

A motion to reconsider was tabled.

House Bill No. 699—To increase certain fees under Uniform Commercial Code.

On motion, House Bill No. 699 was made to conform with Senate Bill No. 301.

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On motion, Senate Bill No. 301, on same subject, was substituted for House Bill No. 699.

Mr. Whitson moved that Senate Bill No. 301 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	85
Noes .....	1
Present and not voting .....	2

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton—85.

Representative voting no was: Copeland—1.

Representatives present and not voting were: DeBerry and Spence—2.

A motion to reconsider was tabled.

Mr. Pruitt moved that House Bill No. 1106 be placed on the Calendar for Thursday, April 30, 1981, which motion prevailed.

House Bill No. 377—To make certain provisions, property tax relief.

Mr. Turner moved that House Bill No. 377 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 377 by deleting the language of Section 1 in its entirety and substituting therefor the following:

Section 1. Tennessee Code Annotated, Section 67-673, is amended by designating the existing language as subsection (a) and adding the following subsections:

(b) Notwithstanding any other provision of the law to the contrary, any person qualifying for tax relief under Tennessee Code Annotated, Sections 67-670, 67-671, or 67-672, who was denied relief due to his failure to timely file for such, shall have until July 1, 1981, to make application to the division of property assessments for reimbursement for the 1980 tax year for which the person otherwise qualified under the provisions of Tennessee Code Annotated, Sections 67-670, 67-671, or 67-672, but for which relief was denied due to the person's failure to timely file for relief. There shall be paid from the general funds of the State pursuant to the provisions of Tennessee Code Annotated, Sections 67-670, 67-671, or 67-672, to all persons making application under the provisions of this section an amount equivalent to that provided in Tennessee Code Annotated, Sections 67-670, 67-671, or 67-672 for the 1980 tax year.

(c) After July 1, 1981, all persons otherwise eligible for tax relief under Tennessee

Code Annotated, Sections 67-670, 67-671, or 67-672, but who fail to apply for a refund on taxes paid or present a credit voucher for credit on their taxes prior to the date taxes in the jurisdiction become delinquent for that year, shall be deemed ineligible for such relief for that tax year. Such applicants for refunds or presentments of credit vouchers will be valid only if received in the office of the division of property assessments within thirty (30) days following the last date such applications or presentments may be made.

On motion, the amendment was adopted.

Mr. Kernell moved to amend as follows:

#### AMENDMENT NO. 2

Amend House Bill No. 377 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. The Division of Property Assessment shall develop and implement a plan to notify those eligible for refund of taxes but who have failed to receive refunds of such taxes.

The plan of notification shall consist of a combination of notification by first class mail to those who failed to return application credit vouchers for taxes otherwise refundable by law, by newspaper coverage and other means of notification.

Claims for refunds for 1980 taxes shall be made prior to the due date of 1981 taxes.

On motion, the amendment was adopted.

Thereupon, House Bill No. 377, as amended, passed its third and final consideration by the following vote:

Ayes .....	86
Noes .....	2

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—86.

Representatives voting no were: Carter and Chiles—2.

A motion to reconsider was tabled.

House Bill No. 1001—To amend Medical Laboratory Act.

On motion, House Bill No. 1001 was made to conform with Senate Bill No. 929.

On motion, Senate Bill No. 929, on same subject, was substituted for House Bill No. 1001.



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Mr. Martin moved that Senate Bill No. 929 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	1

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

Representative voting no was: Shirley—1.

A motion to reconsider was tabled.

House Bill No. 464—To amend Section 57-4-102, Code.

On motion, House Bill No. 464 was made to conform with Senate Bill No. 769.

On motion, Senate Bill No. 769, on same subject, was substituted for House Bill No. 464.

Mr. Murphy (Davidson) moved that Senate Bill No. 769 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 769 by deleting the period at the end of Section 1 and adding thereto the following words and symbols:

“; or is owned and operated as a radio and television production complex having a seating capacity in excess of 4,000.”

Mr. McKinney moved that Amendment No. 1 be tabled, which motion failed.

Thereupon, Amendment No. 1 was adopted by the following vote:

Ayes .....	42
Noes .....	36
Present and not voting .....	9

Representatives voting aye were: Akard, Bell (Wilson), Brewer, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davis (Gibson), Davis (Pickett), DeBerry, Disspayne, Ellis, Gill, Harrill, Hudson, Hurley, Jones, Kent, Kernell, King (Washington), Love, Martin, Murphy (Shelby), Naifeh, Percy, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Spence, Stafford, Starnes, Sterling, Tanner, Withers, Yelton and Mr. Speaker McWherter—42.

Representatives voting no were: Bewley, Bivens, Buck, Carter, Crain, Davidson, DePriest, Dills, Duncan, Ford, Gaia, Henry (Roane), Hillis, Huskey, Jared, Johnson, Lowe,

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McAfee, McKinney, McNally, Miller, Murray, Phillips, Pruitt, Rhinehart, Robertson, Shockley, Small, Stallings, Turner, Ussery, Wheeler, Whitson, Wix, Wolfe and Work—36.

Representatives present and not voting were: Burnett, Lashlee, Murphy (Davidson), Montgomery, Moore, Owen, Wallace, Webb and Wood—9.

Mr. Davis (Hamilton) moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 769 by deleting from Section 2 the figures “250,000” and substituting instead the figures “119,000”.

Amendment No. 2 failed by the following vote:

Ayes .....	31
Noes .....	42
Present and not voting .....	12

Representatives voting aye were: Bell (Wilson), Brewer, Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Gill, Hudson, Johnson, Kernell, King (Washington), Lashlee, Love, Martin, Murphy (Shelby), Murray, Naifeh, Pruitt, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Spence, Starnes, Tanner, Wallace, Withers and Mr. Speaker McWherter—31.

Representatives voting no were: Akard, Bewley, Buck, Carter, Clark (Sumner), Copeland, Dills, Duncan, Ford, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jones, Kent, Lowe, McAfee, McNally, Miller, Montgomery, Owen, Percy, Phillips, Rhinehart, Robertson, Scruggs, Shirley, Shockley, Small, Stafford, Stallings, Sterling, Turner, Ussery, Wheeler, Wolfe, Wood, Work and Yelton—42.

Representatives present and not voting were: Bivens, Burnett, Byrd, Clark (Davidson), Crain, Davis (Pickett), Ellis, Jared, Moore, Richardson, Whitson and Wix—12.

Mr. McKinney moved that Senate Bill No. 769 be re-referred to the Committee on Finance, Ways and Means.

Mr. Murphy (Davidson) moved that the motion be tabled, which motion prevailed by the following vote:

Ayes .....	47
Noes .....	38
Present and not voting .....	5

Representatives voting aye were: Akard, Bewley, Buck, Burnett, Chiles, Clark (Sumner), Cobb, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dispayne, Ellis, Harrill, Henry (Roane), Hudson, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McNally, Martin, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Robinson (Davidson), Robinson (Washington), Spence, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Whithers, Yelton and Mr. Speaker McWherter—47.

Representatives voting no were: Bivens, Brewer, Carter, Clark (Davidson), Copeland, Davidson, DePriest, Duncan, Ford, Gaia, Gill, Henry (Blount), Hillis, Hurley, Huskey, Jones, Lashlee, McAfee, McKinney, Miller, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Stafford, Stallings, Starnes, Turner, Wolfe, Wood and Work—38.

Representatives present and not voting were: Bell (Wilson), Covington, Moore, Richardson and Wix—5.

Mr. McKinney moved that Senate Bill No. 769 be moved to the next available space on the next available calendar.

Mr. Cobb moved that the motion be tabled, which motion prevailed by the following vote:

Ayes .....	43
Noes .....	36
Present and not voting .....	5

Representatives voting aye were: Akard, Bewley, Burnett, Chiles, Clark (Sumner), Cobb, Covington, Davidson, Davis (Hamilton), DeBerry, DePriest, Disspayne, Ellis, Henry (Roane), Hudson, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McNally, Martin, Montgomery, Murphy (Davidson), Murphy (Shelby), Naifeh, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Spence, Sterling, Tanner, Ussery, Wheeler, Withers, Yelton and Mr. Speaker McWherter—43.

Representatives voting no were: Bell (Wilson), Bivens, Brewer, Buck, Clark (Davidson), Crain, Davis (Gibson), Duncan, Ford, Gaia, Gill, Harrill, Hillis, Hurley, Huskey, Jared, Lashlee, McAfee, McKinney, Murray, Percy, Pickering, Pruitt, Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Stafford, Stallings, Wallace, Whitson, Wolfe, Wood and Work—36.

Representatives present and not voting were: Byrd, Miller, Moore, Owen and Wix—5.

Mr. Murphy (Davidson) moved that Senate Bill No. 769 be placed at the heel of Calendar for today, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 465—To designate portion, Highway 70-S as scenic highway.

On motion, House Bill No. 465 was made to conform with Senate Bill No. 537.

On motion, Senate Bill No. 537, on same subject, was substituted for House Bill No. 465.

Mr. Murphy (Davidson) moved that Senate Bill No. 537 be passed on third and final consideration.

Mr. Murphy (Davidson) moved to amend as follows:

### AMENDMENT NO. 1

Amend Senate Bill No. 537 by deleting the letter “(E)” at the beginning of the amendatory language of Section 1 and substituting instead the letter “(F)”.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 537, as amended, passed its third and final consideration by the following vote:

Ayes .....	89
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

A motion to reconsider was tabled.

House Bill No. 928—To authorize financing, certain health projects.

Mr. Murphy (Davidson) moved that House Bill No. 928 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—88.

A motion to reconsider was tabled.

House Bill No. 929—To make certain provisions, county notes.

Mr. Murphy (Davidson) moved that House Bill No. 929 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

House Bill No. 930—To amend County Recovery and Post War Aid Act.

Mr. Murphy (Davidson) moved that House Bill No. 930 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

House Bill No. 951—To define and set consequences, infamous crime.

Mr. Murphy (Shelby) moved that House Bill No. 951 be passed on third and final consideration.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 951 by deleting from the amendatory language of subsection (a) of Section 2 the words “unless he shall have been pardoned by the governor, or his full rights of citizenship have otherwise been restored as prescribed by law” and substituting instead the words “until the expiration of any sentence imposed for conviction of such infamous crime”.

FURTHER AMEND by deleting the final sentence of subsection (a) of Section 2 in its entirety.

FURTHER AMEND by deleting subsection (b) of Section 2 in its entirety and substituting instead the following:

(b) No person who has been convicted in federal court of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, shall be allowed to register to vote or vote at any election in this state until the expiration of any sentence imposed for conviction of such crime.

FURTHER AMEND by deleting subsection (c) of Section 2 in its entirety and by substituting instead the following:

(c) No person who has been convicted in another state of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, shall be allowed to register to vote or vote at any election in this state until the expiration of any sentence imposed for conviction of such crime.

FURTHER AMEND by deleting the period “.” at the end of subsection (c) of Section 3 and by substituting instead the following punctuation and language:

“; or

the sentence imposed for conviction of such infamous crime has expired.

Mr. Murphy (Shelby) moved that House Bill No. 951 be placed on the Calendar for Monday, April 27, 1981, which motion prevailed.

House Bill No. 556—To regulate sale, tobacco products to minors.

Mr. Jared moved that House Bill No. 556 be passed on third and final consideration.

Mr. Pickering moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 556 in Section 6 thereof, by inserting between the words “printed sign” and the words “which shall read” the following:

or decal, at least two (2) inches by six (6) inches in size,”.

On motion, the amendment was adopted.

Mr. Jared moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 556 by deleting Section 3 in its entirety and renumbering subsequent sections accordingly.

On motion, the amendment was adopted.

Mr. Pickering moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 556 by deleting Section 8 thereof in its entirety and by renumbering the subsequent sections accordingly.

Mr. Jared moved that the Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes .....	60
Noes .....	19
Present and not voting .....	3

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Buck, Byrd, Carter, Clark (Sumner), Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Kent, King (Shelby), Lashlee, Lowe, McAfee, McNally, Martin, Montgomery, Moore, Percy, Phillips, Richardson, Robertson, Robinson (Davidson), Scruggs, Severance, Shirley, Shockley, Small, Stafford, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood and Yelton—60.

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Representatives voting no were: Brewer, Chiles, Cobb, Davidson, Disspayne, Hurley, Kernell, Love, McKinney, Miller, Murphy (Davidson), Murray, Naifeh, Owen, Pickering, Rhinehart, Robinson (Washington) and Spence—19.

Representatives present and not voting were: Robinson (Hamilton), Wix and Work—3.

Mr. Jared moved to amend as follows:

**AMENDMENT NO. 4**

Amend House Bill No. 556 by renumbering Section 11 as Section 12, and by inserting a new Section 11 as follows:

**SECTION 11.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, House Bill No. 556, as amended, passed its third and final consideration by the following vote:

Ayes .....	84
Noes .....	1
Present and not voting .....	3

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Owen, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—84.

Representative noting no was: Pickering—1.

Representatives present and not voting were: Naifeh, Spence and Whithers—3.

A motion to reconsider was tabled.

House Bill No. 1108—To regulate manufactured homes.

Mr. McNally moved that House Bill No. 1108 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1108 by adding a new sentence to Section 3, subsection (2) as follows:

Manufactured home does not include modular homes as defined by the Department of Housing and Urban Development pursuant to the National Manufactured Housing

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Construction and Safety Standards Act of 1974.

On motion, the amendment was adopted.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1108 by deleting from the amendatory language of Section 4 the word “leasing” wherever it may appear.

FURTHER AMEND by deleting the second sentence of the amendatory language of Section 6 which reads:

“Used or new manufactured homes offered for lease or rent to the general public must also meet the safety standards established herein in the same manner as if offered for sale.”

AND FURTHER AMEND by deleting from the amendatory language of Section 7 the words “or leases any” and substituting instead the word “a”.

AND FURTHER AMEND by deleting from the first sentence of the amendatory language of Section 8 the word “leases” and the words “or lease.”

AND FURTHER AMEND by deleting the period at the end of the fourth paragraph of the amendatory language of Section 13 and adding the following language:

“, or be covered under the dealer’s bond.”

On motion, the amendment was adopted.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1108 by deleting the amendatory language of Section 12 in its entirety and substituting instead the following language:

After September 1, 1981, it shall be unlawful for any person to locate or relocate any manufactured home in this state other than a home heretofore exempt, or a home previously anchored and inspected according to rules in effect at the time of location on the site, unless a stabilizing system has been installed in said manufactured home by a person approved by the state fire marshal to make such installations.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1108, as amended, passed its third and final consideration by the following vote:

Ayes .....	78
Noes .....	10
Present and not voting .....	2

Representatives voting aye were: Akard, Bivens, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duncan, Ellis, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, Martin, Miller,



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Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—78.

Representatives voting no were: Bell (Wilson), Bewley, Copeland, Dills, Crain, Ford, Harrill, McKinney, Phillips and Shockley—10.

Representatives present and not voting were: Brewer and Wix—2.

A motion to reconsider was tabled.

Mr. Ford moved that House Bill No. 1276 be placed on the Calendar for Thursday, April 30, 1981, which motion prevailed.

Mr. Wix moved that House Bill No. 1282 be placed on the Calendar for Wednesday, May 6, 1981, which motion prevailed.

Mr. Murphy (Davidson) moved that Senate Bill No. 769 be placed on the Calendar for Monday, April 27, 1981, which motion prevailed.

### **MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bill No. 1027, and House Joint Resolutions Nos. 148, 149, 150, 151, 155, 156, 159, 162, 164, 165, 166, 167 and 176, with his approval.

**JULIA GIBBONS,**  
*Counsel to the Governor.*

### **ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 77 and 680; and House Resolutions Nos. 14, 31, 32, 33, 34, 35, 36 and 37; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
*Chief Engrossing Clerk.*

### **SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 77 and 680; and House Resolutions Nos. 14, 31, 32, 33, 34, 35, 36 and 37.

### **MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos.

186—Relative to welcoming P. T. Boaters Reunion to Nashville;

201—Relative to commending Mu Alpha Theta, Haywood High School; both concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.

969—To provide for Superintendent of Highways, Morgan County;

1253—To amend Charter, Jackson;

1277—To vest probate jurisdiction, chancery court, Montgomery County;

1281—To amend Charter, Gallatin;

1283—To amend Charter, Portland;

1284—To amend Charter, Pulaski; all substituted for Senate Bills on same subject and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 114—Relative to commending Clover Bottom Development Center and staff.

Under the rules, Senate Joint Resolution No. 114 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 115—Relative to congratulating astronauts and staff, Space Shuttle Columbia.

Under the rules, Senate Joint Resolution No. 115 was referred to the Committee on Calendar and Rules.

**UNFINISHED BUSINESS**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, Senate Bill No.

210—To amend Section 14-23-107, Code.

The Senate nonconcurred in House Amendment No. 1.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**FURTHER CONSIDERATION OF SENATE BILL NO. 210**

Senate Bill No. 210—To amend Section 14-23-107, Code.

Mr. Ford moved that the motion to reconsider Senate Bill No. 210 be lifted from the table, which motion prevailed.

Mr. Ford moved that the House reconsider its action in passing Senate Bill No. 210 on third and final consideration, as amended, which motion prevailed.

Mr. Ford moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

Mr. Ford moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, Senate Bill No. 210, passed its third and final consideration by the following vote:

Ayes .....	90
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Sheiby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

A motion to reconsider was tabled.

### HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 387—To require general assembly be apprised of certain law suits.

#### SENATE AMENDMENT NO. 1

Amend House Bill No. 387 by adding the following to the end of the amendatory language of Section 1:

Provided, however, that the requirements of this item shall be applicable only where the state is a named party and the attorney general or his assistants are representing the state in such suit.

#### SENATE AMENDMENT NO. 3

Amend House Bill No. 387 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 8-6-109, subsection (b), is amended by adding the following items to the subsection, to be appropriately numbered:

(A) To notify the director of the Fiscal Review Committee of any lawsuit filed in state or federal court, in which the state is a named party and the attorney general or his assistants are representing the state, which contains as part of the pleadings an allegation which would raise an issue:

(A) of insufficient funding of a law as enacted or amended, including any regulation authorized by such act; or

(B) that the implementation by a department, agency, or governmental entity of a law as enacted or amended, including any regulation authorized by such act, was accomplished in a manner which resulted in insufficient funding;

which lawsuit, if adjudicated in the plaintiff's favor, would result in a mandated

increase in state expenditures.

(B) To confer with the speaker of each house of the legislature upon notification by the director of the Fiscal Review Committee under Section 2 of this act.

Section 2. Tennessee Code Annotated, Title 3, Chapter 7 is amended by adding the following as a new section, to be appropriately numbered:

Section—. The director of the Fiscal Review Committee shall review all reports submitted to it by the state attorney general pursuant to this act, and shall notify the speaker of each house of the legislature and the state attorney general of any pending lawsuit in which the director concludes there is a substantial likelihood that adjudication will result in a significant increase in state expenditures.

Mr. Cobb moved that the House concur in Senate Amendments Nos. 1 and 3, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 391—To protest members of professional societies from liability.

SENATE AMENDMENT NO. 2

Amend House Bill No. 391 by deleting Section 3 in its entirety and substituting the following language:

This section shall not be construed to confer immunity from liability on any professional society. In any case in which, but for the enactment of this section a cause of action would arise against a professional society, such cause of action shall exist as if this section had not been enacted.

Mr. Cobb moved that the House non-concur in Senate Amendment No. 2, which motion prevailed.

SENATE AMENDMENT NO. 1

Amend House Bill No. 391 by deleting the words “if such member acts without malice” from the amendatory language of Section 2 and substituting instead the words “if such person acts without malice”.

Mr. Cobb moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 924—To provide for study, water resources.

SENATE AMENDMENT NO. 1

Amend House Bill No. 924 in Section 3 by deleting the words:

to be used exclusively to contract with the Tennessee Water Resources Research Center at the University of Tennessee

and by substituting therefor the words:

to be used to conduct the study authorized by this Act

Mr. Hillis moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1131—To reorganize Department of Transportation.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1131 in Section 25 by deleting the words:

( ) to organize, with the approval of the Governor, the department into such units as he deems necessary to carry out the duties and functions imposed upon him and said department;

and substituting instead the following:

( ) to organize the department, before July 1, 1981 and with the approval of the governor, into such units as he deems necessary to carry out the duties and functions imposed on him and the department; any reorganization or creation or elimination of any units after July 1, 1981, shall be authorized by the general assembly, it being the intent of the general assembly to recognize the organization of the department as of July 1, 1981 as the legal organization of the department and any change in such organization to require the same action as the creation or abolition of a statutorily created division or unit would require;

AND FURTHER AMEND by deleting Section 27 and substituting instead the following:

SECTION 27. This act shall take effect upon becoming a law, the public welfare requiring it, but the reorganization permitted by this act shall be accomplished by the commissioner of transportation prior to July 1, 1981, and the results of the reorganization reported by him to the transportation committees of the senate and house of representatives. After July 1, 1981, all parts of this act shall remain in full force and effect, but the power to reorganize the department shall be suspended unless any further reorganization is authorized by the general assembly.

SENATE AMENDMENT NO. 2

Amend House Bill No. 1131 deleting Section 4 of the bill in its entirety and by renumbering subsequent sections accordingly.

Mr. Henry (Roane) moved that the House concur in Senate Amendments Nos.1 and 2, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Dispayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, Senate Bill No.

77—To amend Section 36-801, Code.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

Mr. Murphy (Shelby) moved that the House refuse to recede from its action in adopting Amendment No. 1 to Senate Bill No. 77, which motion prevailed.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.

146—To increase expense allowance, General Assembly.

The Senate reconsidered action in passing the bill, adopted Senate Amendment No. 11, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.

452—To amend Section 53-6317, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.

553—To amend Section 14-23-106, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**NOTICE PURSUANT TO RULE NO. 57**

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Thursday, April 23, 1981:

House Bill No. 146—Rhinehart

House Bill No. 243—Scruggs

House Bill No. 602—Henry (Roane)

House Joint Resolution No. 110—Moore

## MOTIONS

On motion of Mr. Clark (Davidson), House Bill No. 316 was recalled from the Committee on Government Operations.

On motion of Mr. Clark (Davidson), House Bill No. 316 was referred to the Committee on Labor and Consumer Affairs.

## SECOND ROLL CALL

The roll call was taken with the following results:

Present ..... 92

Representatives present were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

## INTRODUCTION OF RESOLUTIONS

House Resolution No. 40—Relative to commending Linda Ilene “Ida” Solomon—By Murphy (Davidson).

Under the rules, House Resolution No. 40 was referred to the Committee on Calendar and Rules.

House Resolution No. 41—Relative to commending Dwight H. Lewis—By Murphy (Davidson).

Under the rules, House Resolution No. 41 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 198—Relative to honoring Oak Ridge Rowing Association—By McNally.

Under the rules, House Joint Resolution No. 198 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 199—Relative to directing Department of Transportation, submit report on highways—By Spence and Gaia.

Under the rules, House Joint Resolution No. 199 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 200—Relative to naming McAllen Foutch Highway—By Buck.

Under the rules, House Joint Resolution No. 200 was referred to the committee on Calendar and Rules.



## **WEDNESDAY, APRIL 22, 1981—37th LEGISLATIVE DAY**

House Joint Resolution No. 202—Relative to urging “Early Detection of Scoliosis” screening program—By King (Washington) and Robinson (Washington).

Under the rules, House Joint Resolution No. 202 was referred to the Committee on Calendar and Rules.

### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 287—To amend Section 2-5-101, Code.

Passed first consideration.

Senate Bill No. 409—To amend Section 40-4110, Code.

Passed first consideration.

Senate Bill No. 689—To amend Election Code.

Passed first consideration.

Senate Bill No. 1046—To amend Title 49, Chapter 1, Code.

Passed first consideration.

### **INTRODUCTION OF BILLS**

House Bill No. 1298—To repeal Chapter 287, Private Acts, 1980—By Harrill.

Passed first consideration.

House Bill No. 1299—To amend Title 53, Chapter 13, Code—By McNally.

Passed first consideration.

House Bill No. 1300—To amend Section 54-7-104, Code—By Davis (Pickett).

Passed first consideration.

House Bill No. 1301—To provide compensation Deputy Register, Scott County—By Davis (Pickett).

Passed first consideration.

House Bill No. 1302—To repeal Chapter 391, Private Acts, 1939—By Davis (Pickett).

Passed first consideration.

House Bill No. 1303—To regulate duties of Election Commission Scott County—By Davis (Pickett).

Passed first consideration.

House Bill No. 1304—To repeal Chapter 594, Private Acts, 1951—By Davis (Pickett).

Passed first consideration.

House Bill No. 1305—To regulate salaries, Mayor and Aldermen, Tiptonville—By Dills.

Passed first consideration.

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

**MR. SPEAKER:** Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 196 (with amendment), 432, 496 (with amendment), 682, 707 (with amendment), 801 (with amendment), 809, 882 (with amendment), 892, 1003, 1151 (with amendment) and 1242; and Senate Joint Resolution No. 44.

*BRAGG, Chairman.*

Under the rules, House Bills Nos. 196, 432, 496, 682, 707, 801, 809, 882, 892, 1003, 1151, 1242 and Senate Joint Resolution No. 44 were transmitted to the Committee on Calendar and Rules.

**JUDICIARY**

**MR. SPEAKER:** Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 79 (with amendment), 672 (with amendment), 676 and 681 (with amendment); and Senate Bill No. 368 (with amendment) and further recommend that pursuant to House Rule No. 70, House Bill No. 79 be referred to the Committee on Finance, Ways and Means.

*MURPHY (Shelby), Chairman.*

Under the rules, House Bills Nos. 672, 676, 681 and Senate Bill No. 368 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 79 to the Committee on Finance, Ways and Means.

**STATE AND LOCAL GOVERNMENT**

**MR. SPEAKER:** Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 139, 438, 564 (with amendment), 570, 572, 576 (with amendment), 916, 957, 963, 970, 971, 1057, 1097, 1147, 1181 (with amendment), 1267, 1270 and 1293 and House Joint Resolution No. 83 and further recommend that pursuant to House Rule No. 70, House Bill No. 438 be referred to the Committee on Finance, Ways and Means.

*MILLER, Chairman.*

Under the rules, House Bills Nos. 139, 564, 570, 572, 576, 916, 957, 963, 970, 971, 1057, 1097, 1147, 1181, 1267, 1270, 1293 and House Joint Resolution No. 83 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 438 to the Committee on Finance, Ways and Means.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**MR. SPEAKER:** Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, April 23, 1981: House Bills Nos. 626, 827, 573, 1092, 406, 1197, 170, 1008, Senate Joint Resolution No. 61, House Bills Nos. 666, 1093, 815, 756, 762, 768, 501 and 502.

*GILL, Chairman.*

**REPORT OF DELAYED BILLS COMMITTEE**

Pursuant to Rule No. 76, the Delayed Bills Committee has met and approved House Bill No. 1293 for consideration by the appropriate standing committee.

Ned R. McWherter

James M. Henry

S. Thomas Burnett

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 21, 372, 377, 556, 928, 929, 930, 935, 1108 and 1174; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 377—Covington

House Bill No. 576—Johnson

House Bill No. 1004—Dills

House Bill No. 1113—Johnson

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.

171—To amend Title 50, Chapter 9 and Title 56, Chapter 26, Code;

613—To make certain provisions, unemployment compensation;

625—To amend Sections 56-7-1301 and 56-7-1201, Code;

982—To make supplemental appropriations, State Government; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.

792—To amend Section 57-4-201, Code;

1011—To amend Section 59-8-321, Code; both substituted for Senate Bills on same

subject, amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill No.

292—To amend Section 8-36-702, Code; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, Senate Bill No.

310—To amend Section 57-3-106(b), Code.

The Senate nonconcurred in House Amendment No. 1.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, Senate Bill No.

492—To amend Section 41-1257, Code.

The Senate nonconcurred in House Amendment No. 1.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

On motion of Mr. Burnett the House adjourned until 10:00 a.m., tomorrow.